IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.18471 OF 2006

Date of decision : November 27, 2006

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Jugesh Chander and others .....Petitioners

Vs.

State of Punjab and another .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. D.S Patwalia, Advocate for the petitioner(s).

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Viney Mittal, J. (Oral)

Notice of motion to the respondents.

On the asking of the Court, Sh. Sukhdip Singh Brar, Additional Advocate General, Punjab accepts notice on behalf of the respondents.

Copies of the writ petition have been supplied to the learned counsel for the respondents.

The petitioners claim that on account of the acquisition of their land, they were entitled to the allotment of a plot by Improvement Trust, Jalandhar-respondent no.2 (hereinafter referred to as `the Improvement Trust'). However, although the petitioners had applied for the allotment of such plot in accordance with law and the Improvement Trust had also passed a resolution with regard to the aforesaid allotment but actual allotment of the said plot was never made to the petitioner. The petitioners claim that their repeated requests to the Trust have not bore any fruit. Ultimately, the petitioners served a legal notice dated April 29, 2006 (Annexure P-2) upon the Improvement Trust. The said notice was replied

by the Improvement Trust through a communication dated Annexure P-3. In the aforesaid reply, the Improvement Trust maintained that although vide resolution No.507 dated November 30, 1994, the Improvement Trust had approved the allotment but the State Government has imposed a stay vide letter No.8/129/94-3LGII/1454 dated January 30, 1995 and the aforesaid stay order was still operative. According to the Trust, in view of the aforesaid stay order passed by the State Government, the request of the petitioners could not be considered.

Sh. D.S Patwalia, learned counsel appearing for the petitioners states that at this stage, the petitioners would be satisfied if a copy of the stay order dated January 30, 1995 alleged to have been passed by the State Government is made available to the petitioners so that the petitioners can seek their appropriate remedies in accordance with law thereafter.

In view of the a limited prayer made by the learned counsel for the petitioners, we dispose of the present petition with a direction to the respondent no.1, Principal Secretary, Local Government, Punjab to supply a copy of the stay order dated January 30, 1995 mentioned in the reply Annexure P-3 to the petitioners within a period of 2 weeks from the date a certified copy of this order is received.

Present petition is disposed of accordingly.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

November 27, 2006
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(H.S BHALLA)
JUDGE